

TOWN OF TIVERTON  
ZONING BOARD OF REVIEW

**DECISION FOR VARIANCE**

RE: Application of Adriana Carrillo

Property Owner: Adriana Carrillo

Property Address: 16 Delano's Island

For property located at Assessor's Plat 408 Lot 127 in Tiverton, Rhode Island in the following zoning district: R-80

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This matter was heard before the Board at a public hearing on June 7, 2017 upon Applicant's request for a Variance in order to demolish the existing dwelling and construct a new dwelling within the same footprint closer to the front yard setback than currently required.

Mr. Chappell appeared on behalf of the petitioner. Before the hearing commenced, Mr. Alzaibak wanted to put on the record that he had Mr. Chappell's son represented him on a small matter and that matter was settled. He wanted the board to know that. Attorney Skwirz stated it was not a conflict since it was a business relationship.

Mr. Chappell explained that his client wants to demolish the current structure. He described the structure as a trailer encapsulated by a wooden structure (27 feet by 8 feet, 216 square feet) which has been used as a single family residence for many years. His client wishes to rebuild a very small one-bedroom cottage on this property in its place.

Their plan for the new house will be 453.5 feet of living space

The Board had many questions about how this structure could even be considered a structure because it is a trailer with a wood structure around it. Mr. Chappell presented a tax assessor's bill to the Board to show that his client has been paying taxes on this dwelling for many years and has a right to build there.

Mr. Chappell introduced Ms. Small and questioned her regarding her experience and expertise in the field. The Board heard her qualifications and accepted Ms. Small as an expert in her field. Ms. Lyn Small from Northeast Engineers appeared before the Board and spoke about the proposed septic system. She stated the current septic system for this property is a cesspool, and by ordinance, his client needs to replace it with a new system. They are going to have a state-of-the-art above-ground septic system called an AdvanTex AX20 system. This system pre-treats the wastewater before discharging it into the leaching field. She describes this system as the smallest possible footprint you can have because the water table is less than 18 inches. It has a 6 foot by 13-foot sand filter smaller than a parking space. This system can only be placed in a specific area due to the restrictions around it.

The Board discussed the matter with no further input from the petitioner nor the public.

Mr. Collins stated that this is a very small piece of land and they have the right to build a structure. They have designed a septic system for this land that, as far as he can see, is the smallest most compact system they can possibly come up with, and based on the requirements for that system, they have a very small area of land where they could actually put a building. So the question is could they possibly build a structure with a 25-foot setback and there is no way that you could with a structure that meets that requirement. So they have to have some relief as he sees it and the question is, have they picked a reasonable number that gives them a structure for this piece of property that would give them basic living requirements that a resident should have. He stated he believes they are looking for a structure that is 453.5 square feet and they want to put it in the position shown on this diagram on the surveyors drawing and given all those requirements, they have to have the relief of 19.1 feet. So in his opinion he believes the Board has to grant it.

It was moved by Ms. Gescheidt, with a second by Mr. Alzaibak, to approve the application of Ms. Carillo for a variance, subject to the following conditions:

(1) That this is limited to the extent that is proposed on the plan that was submitted.

In support of this motion, the Board makes the following findings of fact:

- I. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure, and not due to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant;
- II. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- III. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this zoning ordinance or the Comprehensive Plan;
- IV. That the relief to be granted is the least relief necessary;

All in favor to approve this application.

Voting to Approve: Ms. Gescheidt Mr. Collins Mr. Jackson Mr. Taylor-Humphrey Mr. Alzaiback
Voting to Deny: None

Date

7/28/17

  
L. Gescheidt, Chairwoman

by J. J. J. J.